IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WP(C).No. 18534 of 2007(F)

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PETITIONER:

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M.C.BINCY, W/O MATHEW A. GEORGE,
AGED 29 YEARS, RESIDING AT MALAYALAM PARAMBIL,
VARANAM,CHERTHALA, ALAPPUZHA DISTRICT.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:

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1. THE STATE OF KERALA REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, SECRETARIAT, TRIVANDRUM.

2. THE COMMISSIONER FOR GOVERNMENT EXAMINATIONS, PAREEKSHA BHAVAN, TRIVANDRUM-12.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**A.K.BASHEER, J.**

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W.P.(C)No.18534 OF 2007

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Dated this the 18th day of June, 2007

**JUDGMENT**

Petitioner impugns Exts.P8 and P10 orders issued by respondent nos.2 and 1 respectively in this writ petition. By the impugned orders, the request made by the petitioner for correction of her date of birth in the school records has been rejected.

2. According to the petitioner, she was born on July 19, 1977. However, in the school register it was entered as May 30, 1977. Ext.P4 is stated to be the birth certificate issued by the Registrar of Births and Deaths in which her correct date of birth has been shown. Exts.P5 and P7 are also documents issued by other authorities in this regard. All these documents indicate that the actual date of birth of the petitioner is July, 19, 1977.

3. However, when the petitioner approached respondent no.2 for correction, her request was turned down. Respondent no.2 took the view that if the actual date of birth is incorporated in the Admission Register of the school, it would make the petitioner under aged for admission, because going by the date

shown in the certificate she would not have completed five years. Ext.P8 is the order passed by respondent no.2.

4. Petitioner preferred appeal before the Government. However, the appeal was rejected on the ground of delay. Thereafter, petitioner filed Ext.P11 revision before the Government, which was also turned down by Ext.P12 order. It is in the above circumstances that the petitioner has preferred this writ petition under Article 226 of the Constitution.

5. Learned counsel invites my attention to an order issued by the Government in G.O.(MS)No.14/94/G.Edn. dated February 3, 1994 by which the District Educational Officers in the Department have been given power to grant exemption from age rules for admission of pupils in standard 1 to 10. Obviously, petitioner has not exhausted the remedy available to her in terms of the above Government Order, a truncated copy of which is on record as Ext.P13. Learned counsel submits that petitioner is prepared to take recourse to the remedy available to her. However, Exts.P8, P10 and P12 orders stand in her way at this stage.

6. Having regard to the peculiar facts and circumstances, particularly since the delay is of insignificant magnitude, I am satisfied that petitioner can be relegated to the competent authority. Therefore, Exts.P8, P10 and P12 are quashed. It will be open to the petitioner to approach the District Educational Officer concerned with a request for appropriate relief. If such a request is received from the petitioner within one month from the date of receipt of a copy of this judgment, the officer concerned shall pass orders on the said request on its merit and in accordance with law keeping in view Ext.P13 Government Order. Petitioner shall produce a copy of the writ petition along with a certified copy of the judgment before the officer concerned for compliance.

Writ petition is disposed of as above.

**A.K.BASHEER, JUDGE**

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